

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-6161**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

VERRICK DANOVA FAUCETTE,

Defendant - Appellant.

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Appeal from the United States District Court for the District of Maryland, at Baltimore. Frederic N. Smalkin, District Judge. (CR-00-348, CA-02-3811)

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Submitted: March 20, 2003

Decided: March 31, 2003

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Before WILLIAMS and TRAXLER, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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Verrick Danova Faucette, Appellant Pro Se. Philip S. Jackson, Assistant United States Attorney, Baltimore, Maryland, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Verrick Danova Faucette seeks to appeal the district court's order dismissing his motion filed under 28 U.S.C. § 2255 (2000). An appeal may not be taken from the final order denying a motion under § 2255 unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue for claims addressed by a district court on the merits absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). We have independently reviewed the record and conclude that Faucette has not made the requisite showing. See Miller-El v. Cockrell, \_\_\_ U.S. \_\_\_, 123 S. Ct. 1029 (2003). Accordingly, we deny a certificate of appealability and dismiss the appeal.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED